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## INDONESIA

### PRESS CLOSURES IN INDONESIA ONE YEAR LATER

Today marks the first anniversary of the Indonesian government's ban on three popular Indonesian news publications: the weekly magazines, *Tempo* and *Editor*, and the tabloid newspaper, *Detik*. The ban reversed a trend toward greater openness in Indonesia. It was followed by harassment, including arrests, of independent journalists, attempts to prevent discussions of social and political issues from taking place in the media or in seminars; and gag orders, detention proceedings, and other punitive measures against well-known critics or political opponents of the government. The ban on the three publications, apparently triggered by a *Tempo* article critical of Soeharto favorite B.J. Habibie, minister of research and technology, also caused unprecedented public outrage and street demonstrations in Jakarta and other cities. It led to the formation in August 1994 of the Alliance of Independent Journalists (AJI, in its Indonesian acronym), a direct challenge to the government-sponsored Association of Indonesian Journalists (Persatuan Wartawan Indonesia or PWI). On Friday, June 16, 1995, the trial of three AJI members opened in Central Jakarta District Court. They are charged, among other things, with spreading hatred toward the government for publishing a bulletin of lively and critical political commentary.

Human Rights Watch calls on the Indonesian government to release all those detained for peaceful expression of their opinion; to end the use of the "spreading hatred" clauses of the Indonesian Criminal Code and work towards their elimination from the code; and to show the kind of tolerance for differing views that Indonesian officials up to and including President Soeharto have said is the hallmark of a mature state.

### TIGHTENING CONTROLS ON FREEDOM OF EXPRESSION

The AJI trial, described in detail below, is only one manifestation of a systematic crackdown on freedom of expression in general that has taken place since June 21, 1994. The following is by no means a comprehensive list.

· On September 7, 1994, a seminar on "Pluralism of Laws on Land Rights in Indonesia" was broken up by the police. The seminar was organized by the Indonesian Legal Aid Institute (Yayasan Lembaga Bantuan Hukum Indonesia or YLBHI). The police argued that the organizers did not have permit to organize such a seminar, a violation of Article 510 of the Indonesian Criminal Code (KUHP). YLBHI then filed a lawsuit against the South Jakarta Police for breaking up their

seminar on the grounds that Article 510 does not apply to academic seminars. According to YLBHI, Article 510 refers mainly to such gatherings as parades, festivals, parties and other kinds of public celebrations. The court ruled in favor of the institute, supporting the argument that Article 510 could not be applied to the institute's seminar, and therefore ruled out police action to break up such a seminar. Several members of the Indonesian parliament contended that the seminar might have been broken up because YLBHI has been a strong critic of the government, according to a Jakarta

daily newspaper.<sup>1</sup>

- A famous Indonesian psychic, Permadi, who is also the founder of a public interest organization called the Indonesian Consumer Institute (Lembaga Konsumen Indonesia) was formally charged on May 14, 1995 with blasphemy, for characterizing the Prophet Mohammad as a "dictator" who failed to create a just and prosperous society. Permadi was said to have made the above statement in Yogyakarta, Central Java, in a seminar on "Democracy and Succession" on April 27-28, 1994. Indonesia's ruling party GOLKAR also has plans to sue Permadi over his alleged statement that "GOLKAR was worse than the Communist Party of Indonesia" in a radio interview. He is currently awaiting trial in Yogyakarta.<sup>2</sup>

- On March 9, Tri Agus, editor of *Kabar Dari Pijar*, was arrested in a police raid of the Pijar Foundation office. *Kabar Dari Pijar* is a newsletter of the Pijar Foundation, a Jakarta-based activist organization which has been involved in many peaceful protests around Jakarta in the last several years. The July 1994 issue of *Kabar dari Pijar* urged readers to have the courage to speak out, even if doing so meant imprisonment. It also called for Minister of Information Harmoko to be hung in effigy for his role in the press closures. Tri Agus has since then been charged under Article 154 of the Indonesian Criminal Code.<sup>3</sup>

- On March 17, 1995, the Jakarta branch of PWI announced the expulsion of thirteen of its members, who were also AJI members, for signing the so-called Sirnagalih Declaration in August of 1994. The declaration had rejected PWI as the sole journalists' organization recognized by the government and declared the establishment of AJI. Many of those sacked from PWI had been employed by the publications banned in June 1994. Minister Harmoko also warned the media against employing AJI members, threatening government action against those that did.<sup>4</sup> Baharuddin Lopa, member of the National Human Rights Commission, called PWI's action as "a violation of human rights."<sup>5</sup>

- On March 23, 1995, the head of the Jakarta branch of PWI called chief editors from eight publications that were considered to be "critical": *Forum Keadilan*, *Kompas*, *Jakarta-Jakarta*, *Bisnis Indonesia*, *Media Indonesia*, *Suara Pembaruan*, *Citra*, and *Jakarta Post*. The editors were told to fire the thirteen journalists expelled from PWI. They were also told to be "firm" with journalists who are known to be members of AJI. The editors were called again on March 24, 1995, this time by the director general of the Ministry of Information for Press and Graphics, Subrata. At this meeting, Subrata reiterated the previous warnings by Minister of Information Harmoko and Jakarta PWI head Tarman Azzam.

- The attorney general's office issued a decree on March 28, 1995 banning *Independen*, the AJI publication whose circulation at the time was about 12,000. It was the first confirmed statement of the ban. The attorney general's office was said to be searching for the printing establishment of *Independen*, with the help of the police.<sup>6</sup>

- On April 26, 1995, Dr. George Aditjondro, a lecturer at Satya Wacana University who has been a fervent critic of government policy in East Timor, was formally charged with insulting the government in public for a lecture he gave in August 1994 at the Indonesian Islamic University in Yogyakarta. In the lecture, he made a joke about Soeharto and three men considered his cronies in a discussion of presidential succession. When the charges were filed, Dr. Aditjondro was in Perth as a guest lecturer at Murdoch University. The government has expressed a plan to bring Aditjondro back to Indonesia through legal measures, as Indonesia and Australia have a bilateral extradition agreement; the Australian government has made it clear that it has no plans to send Aditjondro back.

- The Indonesian media won at least a symbolic victory with a court decision in favor of the banned *Tempo* magazine. On May 3, 1995, the Jakarta Administrative Court ruled against the banning of *Tempo*, *Detik* and *Editor* by the Ministry of Information. Judge Benyamin Mangkudilaga ruled that the decree under which Information Minister Harmoko revoked *Tempo's* publishing license was legally flawed and should "be repealed." It was issued arbitrarily and

against the existing laws, he said. In response to the decision, Minister Harmoko decided to appeal the verdict in a higher court. President Soeharto then endorsed Harmoko's decision to appeal.

- On June 11, Abdurrahman Wahid, the head of the largest Islamic organization Nahdatul Ulama was banned from speaking before an audience of religious leaders to honor the birthday of KH Abdul Fattah, the founder of the Pesantren Al Fattah, a traditional Islamic school in Lamongan, East Java. The ban came as a shock for the audience and for Wahid himself, who had arrived at the gathering and was about to deliver his speech. According to the organizers, local police and government officials refused to grant a permit for Wahid to speak in the gathering. Another religious leader, Emha Ainun Nadjib, was also banned from speaking in a gathering in Nusa Dua, Bali and in Metro, Lampung. <sup>7</sup>

- On June 12, 1995, Indonesian police broke up a seminar on democracy and detained seven people, including an American professor who was the sole speaker at the meeting, the organizer said on Tuesday. Umam Wirano of the Yayasan Indonesia Baru (New Indonesia Foundation), which organized the seminar, told Reuters the police broke up the meeting late on Monday on the grounds that it was held without a permit. The police took seven people, including the speaker Robert Hefner, for questioning, before releasing them early on Tuesday. Hefner, vice-director of the Institute for the Study of Economic Culture at Boston University, was in Indonesia at the invitation of the government-funded Indonesian Science Institute (LIPI) to address a seminar on Islam and modernization. Witnesses said Hefner and some of the organizers were taken to the Central Jakarta police station by intelligence police officers who had been present during the seminar. They were then interrogated at the police station from 11:00p.m. until 5:00 a.m. the next day. Hefner and the others were released after an official from the U.S. Embassy came to the police station.

- A talk-show host, Wimar Witoelar, was warned in mid-June not to invite William Liddle, an American political scientist from Ohio State University, as a guest on his show. Witoelar had received similar calls in the past, one warning him not to interview Abdurrahman Wahid, and one on May 21, 1995, from the Ministry of Information<sup>8</sup> telling him not to interview Judge Benyamin Mangkudilaga. The judge of the Jakarta Administrative Court had ruled on May 4, 1995 that the government's action to ban *Tempo* was "unconstitutional." <sup>9</sup> Ministry of Information officials have since denied issuing such a ban.

- The coordinating minister for political affairs and security, Soesilo Soedarman, said on June 12, 1995 that the government would pass new regulations on permits for public speaking. He explained that the regulations were needed to clarify the criteria for banning certain public figures from speaking. The announcement came in the aftermath of the refusal on June 11 of police in Lamongan, East Java, to permit Abdurrahman Wahid to address a memorial program for a well-known Muslim leader and similar bans on opposition political leader Megawati Sukarno and writer Emha Ainun Najib. Soedarman said, before passing the regulation, that he would establish a team to study the issue consisting of the Ministry of Education, the attorney general's office, the police, the armed forces headquarters, the Ministry of Justice, the Ministry of Internal Affairs and other related ministries. Soedarman said many of the bans imposed by security forces represented an effort to prevent actions which might jeopardize national stability. His announcement of the regulations, however, was seen by journalists as another attempt by the government to curb freedom of expression.

### THE AJI TRIAL

The AJI trial, however, may be the most telling example of the government's intolerance of its critics. The defendants include Ahmad Taufik and Eko Maryadi, both officers of AJI, and Danang Kukuh, an office helper. The three were arrested on March 17, 1995 and were detained from then until the start of their trial on June 16, 1995 at the Metro Jakarta police station (Polda Metro Jaya). <sup>10</sup> They are officially charged with violating Article 19 of Press Law No.21/1982 for publishing a magazine, *Independen*, without a publishing license (Surat Ijin Usaha Penerbitan Pers or SIUPP); violation of Article 134 of the Indonesian Criminal Code for defaming the president; Article 154 for spreading hatred against the government; and Article 155 for publicly spreading and instigating animosity. The above offenses

carry the possible penalty of seven years in prison.<sup>11</sup>

The prosecutor's allegation is based on articles published in four issues of *Independen*, Nos. 9, 10, 11, and 12. One of the articles cited as having spread animosity was on the many investments of Minister of Information Harmoko in the media business. The article mentioned the fact that Harmoko created his media empire by forcing the management of each publication to grant him shares of the publication in return for receiving a publishing license. The article cited as an example of defaming the president is an article on the various philanthropic foundations of the president. According to *Independen*, the foundations have not been transparent in reporting their financial records.

After their arrests, speaking in their own defense, Taufik and Maryadi explained that *Independen* was published for a limited audience, as was explicitly stated on the front cover. Article 8 of Press Law No.21/1982, they noted, stipulates that "a specific publication for a limited audience does not need a license." <sup>12</sup>

AJI's secretary-general, Santoso, in a press conference at the Indonesian Legal Aid Foundation on March 20, 1995, also argued that in publishing *Independen*, AJI members were only practicing their rights as citizens under Article 28 of the Indonesian Constitution which guarantees freedom of expression. AJI also termed the Minister of Information Decree No.01/ 1984, which regulates publication licenses for the print media, "unconstitutional." The decree has been frequently used to ban media considered critical to the government including *Tempo* and *Detik*. At least 1,033 journalists and readers have appealed to the Supreme Court to undertake a judicial review of the decree. However, to date, no decision has been made by the Supreme Court.

Ahmad Taufik and Eko Maryadi have written a letter from jail, describing the poor condition of their prison cell. Taufik, Eko and Danang share a dimly-lit and stuffy room, some fifty-two meters square, with thick walls and a locked metal door. They all sleep on the floor without any mattresses. During their detention they have been subjected to numerous interrogations by the police.<sup>13</sup> Taufik and Maryadi are only allowed to read comic books and the Indonesian Criminal Code. They are also barred from any health services needed when they get sick. In one instance, Eko Maryadi fainted because of his long-time ulcer pains. Instead of calling a doctor, the guard ordered Taufik to put Maryadi on a bench, and then he proceeded to "examine" Maryadi's stomach by tapping his fingers on it. Afterwards he concluded that Maryadi was only suffering a common cold.<sup>14</sup>

On the anniversary of the muzzling of the three news publications, the release of these three young men and Pijar activist Tri Agus would be a sign that the Indonesian government recognizes the value of transparency in government and the role of the press in ensuring that transparency. As long as the four remain behind bars, any profession by the Indonesian government of commitment to transparency must be seen as hypocrisy.

#### ***Human Rights Watch/Asia***

*Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Jeannine Guthrie is NGO Liaison; Dinah PoKempner is Counsel; Zunetta Liddell and Patricia Gossman are research associates; Mark Girouard and Shu-Ju Ada Cheng are Luce fellows; Diana Tai-Feng Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant. Andrew Nathan is chair of the advisory committee and Orville Schell is vice chair.*

<sup>1</sup> "Dasar Hukum Keharusan Izin Dipertanyakan," *Kompas*, September 10, 1994 and "Yang Terpuruk di Perizinan," *Media Indonesia Minggu*, June 18, 1995.

2 *Reuters*, May 14, 1995

3 See Human Rights Watch/Asia, *Soeharto Retaliates Against Critics : Official Reactions to Demonstrations in Germany* (New York : Human Rights Watch, 1995)

4 "Harmoko tells PWI to report rival group members," *Jakarta Post*, April 3, 1995.

5 "Wartawan independen dilarang bekerja ?" *Suara Independen*, No.01, June 1995.

6 *Reuters*, May 18, 1995

7 "Yang Terpuruk di Perizinan," *Media Indonesia Minggu*, June 18, 1995.

8 "Hakim Benyamin dicegah ditampilkan di TV," *Media Indonesia*, May 21, 1995.

9 "mengerem Mimbar Bebas di Televisi," *Media Indonesia Minggu*, June 18, 1995.

10 Human Rights Watch/Asia, *Human Rights Watch/Asia Condemns Intimidation and Arrests of Indonesian Journalists* (new York : Human Rights Watch, 1995)

11 "AJI members formally charged by police," *Jakarta Post*, April 20, 1995.

12 "Mengadili Kebebasan Pers," *Suara Independen*, No.01/Juni 1995

13 "Letter from Prison," *AJI*, April 25, 1995.

14 "Kisah dari Tahanan Polda," *Suara Independen*, No.01/Juni 1995, p.6-7.